

SEYFARTH SHAW LLP
Christian J. Rowley (SBN 187293)
crowley@seyfarth.com
Sean T. Strauss (SBN 245811)
sstrauss@seyfarth.com
Galen P. Sallomi (SBN 306743)
gsallomi@seyfarth.com
560 Mission Street, 31st Floor
San Francisco, California 94105
Telephone: (415) 397-2823
Facsimile: (415) 397-8549

Attorneys for Defendant
THE PERMANENTE MEDICAL GROUP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIMI WEISS,

Plaintiff,

v.

THE PERMANENTE MEDICAL GROUP, INC.,

Defendant.

Case No. 3:23-cv-03490-RS

**NOTICE OF WITHDRAWAL OF
MOTION TO DISMISS PLAINTIFF MIMI
WEISS'S COMPLAINT [DKT. #13]**

Date: Thursday, December 14, 2023
Time: 1:30 p.m.
Judge: Hon. Richard Seeborg
Location: San Francisco Courthouse
Courtroom 3 – 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

**TO THE COURT AND PLAINTIFF IN THE ABOVE-CAPTIONED ACTION AND HER
COUNSEL OF RECORD:**

On August 29, 2023, Defendant The Permanente Medical Group, Inc. (“TPMG”) filed a Notice of Motion and Motion to Dismiss (the “Motion to Dismiss”) Plaintiff Mimi Weiss’s (“Plaintiff”) Complaint for Damages and Injunctive Relief (“Complaint”). The Motion to Dismiss is reflected in Document 13 of the Court’s docket. Rather than opposing the Motion to Dismiss, on September 14, 2023, Plaintiff filed a First Amended Complaint for Damages and Injunctive Relief [Dkt. # 15] (“FAC”), availing herself of her sole opportunity to amend her pleading as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1). The filing of the FAC as a matter of right pursuant to Federal Rule of Civil Procedure 15(a)(1) rendered the Motion to Dismiss [Dkt. #13] moot. *See Bender v. LG Elecs. U.S.A., Inc.*, No. C 09-02114 JF PVT, 2009 WL 4730900, at *1, fn. 2 (N.D. Cal. Dec. 7, 2009) [citing *Wentner v. Ridgewood Energy Corp.*, 62 F.3d 1427, 1995 WL 470866, at *1, fn. 1 (9th Cir. 1995)].

TPMG accordingly provides Plaintiff and the Court with notice that it withdraws the Motion to Dismiss filed on August 29, 2023 [Dkt. #13] and that the Motion to Dismiss [Dkt. #13] should be removed from the court’s calendar. This does not impact or affect TPMG’s Notice of Motion and Motion to Dismiss the FAC, filed on September 28, 2023 [Dkt. #16], which the Court has scheduled for December 14, 2023 at 1:30 p.m.

DATED: September 29, 2023

Respectfully submitted,

SEYFARTH SHAW LLP

By: Sean T. Strauss

Christian J. Rowley

Sean T. Strauss

Galen P. Sallomi

Attorneys for Defendant

THE PERMANENTE MEDICAL GROUP, INC.